

REMARKS

This response is in reply to the final office action mailed June 8, 2006. Claims 21-40 were pending in the application with the office action rejecting each of the claims.

The undersigned attorney appreciates Examiners Chyn and Cheng during the telephone interview on August 9, 2006.

The present invention is directed to devices and methods to maintain persons below a vertical boundary. This may be in an emergency situation, such as a fire, or a person within a live-fire activity. The invention includes an emitter that is configured to establish a height limit at a vertical boundary. The vertical boundary may be at a constant height from the floor as illustrated in Figure 1, or at a varying height as illustrated in Figure 6. The invention also includes a wearable sensor that is configured to emit an alarm when it intrudes above the vertical boundary established by the emitter. A method of using the invention includes a trainee wearing the sensor. When the trainee elevates above the vertical boundary established by the emitter, the sensor emits an alarm or somehow signals that the trainee is above the established vertical boundary.

The Office Action included a number of 35 U.S.C. 112 first paragraph rejections. The claims have been amended to overcome these rejections for the reasons discussed during the telephone interview. Further, the specification has been amended to include support for claim 23 and as illustrated in Figure 1.

Claim 30 was rejected under 35 U.S.C. 112, second paragraph. This claim has been amended to now more clearly state that the emitter comprises an emitter head that is rotatable and mounted to the vertical support member.

Claims 21-23, 26-27, 29-32, and 34-39 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5, 788,500 (hereinafter Gerber). Gerber is directed to a

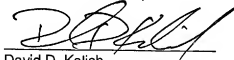
battlefield simulation game. Gerber fails to disclose many of the elements of the present invention, and most notable an emitter that defines a height limit at a vertical boundary. For at least this reason, these claims are not anticipated by Gerber.

Claims 24-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber in view of U.S. Patent 6,127,926. Claims 28 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable for Gerber in view of U.S. Patent 6,358,164. Further, claim 40 was rejected under 35 U.S.C. 103(a) as being unpatentable under Gerber. These claims are not made obvious for at least the same reasons as discussed above with regard to the rejection under 35 U.S.C. 102(b).

In view of the above amendments and remarks, the Applicants submit that this application is in condition for allowance and such action is respectfully requested. If any issues remain unresolved, the undersigned attorney requests a telephone interview to expedite allowance and issuance.

Respectfully submitted,

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